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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,336	12/17/1999	VINCENT CHING PING LI		8784

7590 01/02/2004

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EXAMINER

DYE, RENA

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/465,336

Applicant(s)

LI ET AL.

Examiner

Rena L. Dye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 24-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Introduction***

1. The rejections of record as set forth in the last Office action (paper no. 7), not repeated herein, have been withdrawn in view of Applicant's amendments to the present claims.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, In particular, Claim 1: a two-dimensional price-time bar chart, with the Y-coordinate representing price and X-coordinate representing time, with the X-axis divided into a plurality of discrete intervals, each interval having a bar associated with it must be shown or the features canceled from the claims. All claimed features should be shown in the drawings. No new matter should be entered.

Applicant has submitted amended drawings 6-A, 6-B and 6-C, which have been accepted; however, it is the Examiner's position that these drawings do not show every feature of that which is recited in claim 1. For example, the amended drawings lack the claimed feature of representing each element of the set of discrete intra-market elements by a first geometric figure, which is overlaid with the geometric figure onto a bar. Furthermore, Applicant's arguments do not relate the claimed invention to the amended drawings, or add any clarification as to how the amended drawings describe the present invention. The amended drawings and drawings originally presented do not illustrate the claimed feature. Therefore, the objection has been maintained.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia (US 6,272,474).

Garcia teaches plotting of bars on a price-time chart (two-dimensional), with the Y-coordinate representing price and X-coordinate representing time. As can be best understood by the Examiner the claimed invention is taught by Garcia.

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According to Garcia, the prices of XYZ stock are shown at 40. The high and low sale price during the 10 minute interval following the time indicated is depicted by line 41, the opening and closing prices during the 10 minute interval is depicted by rectangle 42. The volume traded during the interval is 44. The price scale is on the left (x-axis) and the volume scale is on the right. The x-axis represents time. Assuming that the current time is 11:15 AM, Figure 2 shows that during the time interval starting at 11:10, already over 8700 shares have been traded (column 5, lines 21-51).

Further, according to the invention disclosed by Garcia, trade information is received that includes the volume of each trade, the time of each trade, and the price of each trade (frequency distribution). The stock information and trade information are displayed on a display screen. By considering the display screen, traders are better able to determine trading patterns of the market makers in those selected stocks and increase their probability of buying low and selling high (column 5, line 55 to column 6, line 16). The stock information and trade information are received at a web site, and the traders who view the display screen are online traders having access to the Internet. It is the Examiner's position that the information is process via a processor at the web site that online traders have access to and can display on a computer screen. Therefore, Garcia teaches Applicant's presently claimed invention.

### ***Response to Arguments***

5. Applicant's arguments filed on June 18, 2003 have been fully considered but they are not persuasive.

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Applicant's amendments to the present claims and arguments submitted in the "REMARKS" do not clearly clarify Applicant's claimed invention over the teachings of Garcia. It is the Examiner's position that Garcia does teach representing on a computer display device elements of intra-market elements by a first geometric figure and overlaying the geometric figure onto a bar, as discussed in the rejection above. It is also brought to Applicant's attention that Applicant argues that Garcia does not represent each element of said "inter-market elements (page 8 of "REMARKS"). It is noted that Applicant is more specifically claiming in Claim 1 (d) "intra-market elements". Further clarification is requested.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

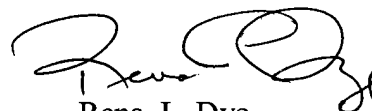
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rena L. Dye whose telephone number is 703-308-4331. The examiner can normally be reached on Monday-Thursday 8:30 AM - 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Rena L. Dye', with a stylized flourish at the end.

Rena L. Dye  
Primary Examiner  
Art Unit 3627

R. Dye  
December 23, 2003